

**CLAIM REJECTION UNDER 35 U.S.C. § 102(B)**

Claims 5-7 remain rejected under 35 U.S.C. § 102(b) as being anticipated by Heider (U.S. Patent 4,429,342). This rejection is respectfully traversed.

During the interview, the Examiner asked that the Applicants' representative to further explain the differences between that which is set forth in Independent claim 5 and that is taught by the relied upon Heider patent document. In accordance with that request, the following is provided for the Examiner's consideration.

Independent claim 5 sets forth a combination of limitations including "sensors detecting actual values of drive-specifics switching parameters; and ... the drive-specific switching parameters being variable during a switching operation and including at least one of the contact speed, a contact path and a flux." Applicants respectfully submit that the relied upon patent document fails to teach or suggest at least these specifics of the limitations of a rejected independent claim 5.

The sensors set forth in the claim are capable of detecting actual values of drive-specific switching parameters which are variable during a switching operation and include at least one of a contact speed, a contact path and a flux. (Emphasis added.) In distinction, the Heider patent document teaches a position sensor 12 that measures the passage thereby of an armature 4. As was indicated in the previous response filed by the Applicants, once the armature 4 passes out of the sensing path of the position sensor 12, a rectangular pulse is generated where a trailing edge thereof stops a timer element 37. This timer element 37 supplies a timer value to a comparative control means 36, which compares the determined value with a pre-determined time stored in a memory 38.

As was discussed with the Examiner, it is clear that the position sensor 12 is capable of detecting or sensing the presence or absence of something. That is, the position sensor 12 is capable of detecting only the moment which the armature 4 leaves the sensor's sensing path. Therefore, the sensor 12 is simply a dumb switch that is either is in an on or off state.

In comparison, the sensors according to the instant claim are capable of detecting actual values of drive-specific switching parameters that are variable in nature during a switching operation. Because these sensors are capable of detecting the variable nature of the drive-specific switching parameters, the solenoid system according to the instant claimed invention is far more robust in determining an output quantity for controlling the coil. This distinction of the instant claimed invention, in combination with the prior arguments discussed in the Applicant's previous responses of November 15, 2001 and May 29, 2001, clearly illustrates the novel attributes of the instant claimed invention over the patent document relied upon by the Examiner.

In view of the above discussion, Applicants respectfully submit that independent claim 5 of the instant application is allowable over the patent document relied upon by the Examiner. Accordingly reconsideration and withdrawal of the claim rejection are respectfully requested.

With regard to the rejected dependent claims, Applicants respectfully submit that these claims are allowable due to their dependency upon an allowable independent claim, as well as for additional limitations set forth by these claims.

### **CONCLUSION**

Accordingly, in view of the above remarks, reconsideration of the rejection and allowance of each of claims 5-7 in connection with the present application are earnestly solicited.


In the event there are any matters remaining in this application, the Examiner is invited to contact Mr. Tim Wyckoff, Registration No. 46,175 at (703) 390-3030 in the Washington, D.C. area.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKY, & PIERCE, P.L.C.

By

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